

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

ALEXANDER OLIVER,

Defendant

Case No.: 2:18-cr-00401-APG-EJY

**Order Denying Second Motion for
Reduction of Sentence and Home
Confinement**

[ECF No. 46]

On July 23, 2020, defendant Alexander Oliver moved for an order requiring the Bureau of Prisons to reduce his sentence and allow him to complete his custodial term on home confinement. ECF No. 42. I denied that motion because Mr. Oliver did not demonstrate that he applied for compassionate release with the warden of FCI Herlong, where he is serving his time. ECF No. 45. Because Mr. Oliver had not exhausted this administrative remedy, I did not have authority to entertain his motion. *Id.*

Mr. Oliver has filed another motion seeking the same relief and asserting the same arguments. ECF No. 46. But Mr. Oliver still has not demonstrated that he applied for compassionate release with the warden. Thus, I still do not have authority to consider his motion. *See* 18 U.S.C. § 3582(c)(1)(A) (authorizing a reduction of a sentence only “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier . . .”).

Nor has Mr. Oliver demonstrated “extraordinary and compelling reasons” to grant his motion on the merits, as required by 18 U.S.C. § 3582(c)(1)(A)(i). I ruled the same way when denying his prior motion.

1 I THEREFORE DENY Mr. Oliver's motion (ECF No. 46).

2 DATED this 8th day of October, 2020.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE